THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5138 OF 1999

21.02.2006

Between:

D.Shanker Rao, S/o.D.Rajaiah

… Petitioner

AND

The Municipal Corporation, Circle No.IV,

Town Planning Section, Khairatabad, Hyderabad

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5138 OF 1999

ORDER:

The petitioner allegedly purchased house No.10-3-313/8/1 (new number) consisting of ground and first floor of Vijayanagar Colony. When the Municipal Corporation of Hyderabad (MCH) mooted the idea of regularizing unauthorized and illegal constructions, the petitioner approached the respondent Corporation by paying the penalty of Rs.11,025/- for regularizing the alleged minor deviations in the construction. According to the petitioner, while the said application was pending on 05.3.1999, the officials of the respondent Corporation threatened to demolish the petitioner's house. Aggrieved by which the present writ petition is filed.

The respondent filed a counter affidavit opposing the writ petition. It is stated that the petitioner illegally and unauthorisedly constructed ground + two floors and violated the provisions of Hyderabad Municipal Corporations Act, 1955 (the Act, for brevity). It is further stated that the application made by the petitioner for regularization in

accordance with G.O.Ms.No.243 dated 22.5.1996 and G.O.Ms.No.289 dated 25.9.1998 was not considered as the petitioner did not come within the eligible persons. It is also alleged that even after coming into force of the said G.O.s, the petitioner went on making constructions and therefore permission was rejected. The allegation that on 05.3.1999, the officials of respondent Corporation threatened to demolish is denied.

Though the counter affidavit is filed long back, no reply affidavit is filed denying the counter averments. Therefore, it is open to MCH to take appropriate action for demolition of the illegal and unauthorized constructions made by the petitioner or petitioner's vendor. No relief can be granted to the petitioner in this writ petition.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

February 21, 2006

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